

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RUDIE ANTHONY JARAMILLO,

Plaintiff,

v.

BURNES, *et al.*,

Defendants.

No. 1:22-cv-00233-ADA-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS THAT PLAINTIFF'S  
MOTION FOR LEAVE TO PROCEED *IN  
FORMA PAUPERIS* BE DENIED

(Doc. Nos. 2, 8)

**TWENTY-ONE (21) DAY DEADLINE**

Plaintiff Rudie Anthony Jaramillo ("Plaintiff") is a state prisoner, proceeding *pro se*, in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action in the Sacramento Division of the United States District Court for the Eastern District of California on February 16, 2022, with a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. Nos. 1, 2.) Plaintiff filed a certified copy of his prison trust account statement on February 22, 2022. (Doc. No. 4.) The action was transferred to the Fresno Division on February 24, 2022. (Doc. No. 5.)

On February 24, 2022, the assigned magistrate judge issued findings and recommendations that Plaintiff's application to proceed *in forma pauperis* be denied and that Plaintiff be required to pay the filing fee in full to proceed with this action. (See Doc. No. 8.) The magistrate judge found that Plaintiff can afford the costs of this action. (*Id.* at 1.) The

findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.)

On March 10, 2022, Plaintiff filed objections, arguing that the money in his trust account may not be considered for court fees. (Doc. No. 11.) Plaintiff claimed that his trust account primarily contains funds from government stimulus payments. (*Id.* at 2.) Plaintiff did not contest that he has sufficient funds to pay the filing fee for this action. (*See* Doc. No. 11.) Rather, Plaintiff asserted that his stimulus payments are protected from debt collection, preventing such funds to be collected for court fees. (*Id.* at 2.) However, Plaintiff cited to no authorities that support such assertion. (*See* Doc. No. 11.) Therefore, the court finds Plaintiff's objections unpersuasive to overturn the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including Plaintiff's objections, the court concludes that the magistrate judge's findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on February 24, 2022 (Doc. No. 8) are adopted in full;
2. In accordance with 28 U.S.C. § 1915(g), Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) is denied; and
3. Within **twenty-one (21) days** following the date of service of this order, Plaintiff shall pay the filing fee in full to proceed with this action. If Plaintiff fails to pay the filing fee in full within the specified time, this action will be dismissed without further notice.

IT IS SO ORDERED.

Dated: September 8, 2022

  
UNITED STATES DISTRICT JUDGE